

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

PEDRO FRANCISCO PEREZ,

Defendant-Appellant.

UNPUBLISHED

April 23, 1999

No. 204475

Ingham Circuit Court

LC No. 96-070699 FC

Before: Fitzgerald, P.J., and Doctoroff and White, JJ.

PER CURIAM.

Following a jury trial, defendant was convicted of felonious assault, MCL 750.82; MSA 28.277, and was sentenced to one year in jail and four years' probation. He appeals as of right. We affirm.

Defendant first argues that the trial court erred when it denied his request, made on the last day of trial, to substitute appointed counsel with new counsel. Specifically, defendant contends that the trial court failed to inquire sufficiently regarding the reasons for defendant's request.

Appointment of substitute counsel is warranted only upon a showing of good cause and where substitution will not unreasonably disrupt the judicial process. *People v Jones*, 168 Mich App 191, 195; 423 NW2d 614 (1988). When a defendant requests appointment of substitute counsel the trial court should try to elicit information from the defendant concerning any problems with the attorney-client relationship. *People v Morgan*, 144 Mich App 499, 402; 375 NW2d 757 (1985). Here, defendant did not clearly request new counsel. Rather, defense counsel brought it to the court's attention that defendant may have been displeased with his representation. Upon questioning by the court, defendant did not respond affirmatively to the court's question regarding whether defendant wanted his counsel removed from the case. Rather, defendant indicated that he felt "trapped" and that he wanted to "see what happens with [the examination of the next] witness." The issue was never again raised. Under these circumstances, where defendant has never suggested that good cause existed for substitution of counsel and where the trial court indicated that it was satisfied that defendant was receiving adequate representation, we cannot conclude that the trial court abused its discretion by failing to appoint new

counsel. *People v Reinhardt*, 167 Mich App 584, 590; 423 NW2d 275 (1988); *Morgan, supra* at 402.

Defendant next contends that the trial court erred by refusing his request to include the word “specifically” when instructing the jury regarding the required intent for each offense. We disagree. Although the trial court would not have erred by adding the language defendant requested, see *People v Parcha*, 227 Mich App 236, 239; 575 NW2d 316 (1997); *People v Lipps*, 167 Mich App 99, 106; 421 NW2d 586 (1988); *State Farm Fire & Casualty Co v Groshek*, 161 Mich App 703, 711; 411 NW2d 480 (1987), the instructions given by the trial court clearly explained that the jury had to determine whether the prosecutor proved that defendant possessed the intent described for each offense. Hence, the jury was instructed regarding the specific intent necessary for each offense even though the court did not use the word “specifically.” In light of the extensive intent instructions, defendant was merely requesting surplus language that would not have advanced the jury’s understanding of the law. Therefore, we find no error in the instructions as given.

Affirmed.

/s/ E. Thomas Fitzgerald
/s/ Martin M. Doctoroff
/s/ Helene N. White